



Reprinted  
March 1, 2016

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## ENGROSSED SENATE BILL No. 216

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DIGEST OF SB 216 (Updated February 29, 2016 5:23 pm - DI 75)

**Citations Affected:** IC 9-21; IC 33-24; IC 34-30.

**Synopsis:** Traffic enforcement in residential complexes. Allows a unit to enforce moving traffic ordinances on the property of a residential complex if the following apply: (1) The unit adopts an ordinance permitting the enforcement of such ordinances in residential complexes. (2) The owner of the residential complex enters into an enforcement contract with the unit. (3) The owner of the residential complex installs signs notifying residents and visitors of the enforcement of moving traffic ordinances. Requires a unit's law enforcement agency to issue e-tickets for moving violations in a residential complex if the law enforcement agency already issues e-tickets for other traffic violations. Provides certain immunities to the owner of a residential complex that enters into an enforcement contract with a unit. Provides that the statute expires December 31, 2020. Requires the division of state court administration to submit reports to the legislative council relating to the enforcement of moving traffic ordinances on the property of residential complexes.

**Effective:** July 1, 2016.

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### Hershman, Alting

(HOUSE SPONSORS — TRUITT, STEUERWALD, KLINKER)

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January 7, 2016, read first time and referred to Committee on Judiciary.  
January 28, 2016, amended, reported favorably — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed. Returned to second reading.  
February 2, 2016, engrossed. Re-read second time, amended, ordered engrossed.  
February 3, 2016, re-engrossed. Read third time, passed. Yeas 49, nays 0.  
HOUSE ACTION  
February 8, 2016, read first time and referred to Committee on Local Government.  
February 11, 2016, reported — Do Pass.  
February 29, 2016, read second time, amended, ordered engrossed.

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ES 216—LS 6705/DI 123





Reprinted  
March 1, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-21-18-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies  
3 to privately owned real property on which the public is invited to travel  
4 for business **or, before January 1, 2021, residential** purposes.
- 5 SECTION 2. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2016]: Sec. 4.1. (a) **As used in this section, "electronic traffic**  
8 **ticket" has the meaning set forth in IC 9-30-3-2.5.**
- 9 (b) **As used in this section, "legislative body" has the meaning**  
10 **set forth in IC 36-1-2-9.**
- 11 (c) **As used in this section, "moving traffic ordinance" refers to**  
12 **an ordinance regulating the operation of a motor vehicle only while**  
13 **the motor vehicle is in motion.**
- 14 (d) **As used in this section, "residential complex traffic**  
15 **ordinance" refers to an ordinance adopted under subsection (e).**
- 16 (e) **A unit may enforce a residential complex traffic ordinance**  
17 **on the property of a residential complex if all the following**

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conditions are met:

(1) The unit's legislative body adopts the ordinance under this section.

(2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.

(3) The owner of the residential complex enters into an enforcement contract with the unit.

(f) A residential complex traffic ordinance must satisfy the following:

(1) The ordinance must be a moving traffic ordinance.

(2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.

(3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.

(4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).

(5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.

(g) A residential complex traffic ordinance may do the following:

(1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.

(2) Define the term "residential complex" for purposes of the ordinance.

(3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.

(h) An enforcement contract must satisfy the following:

(1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of



locations to clearly mark where the relevant provisions of the ordinance applies. A sign placed at the entrance to the residential complex does not satisfy this subdivision.

(2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.

(3) Enforcement of the residential complex traffic ordinance in the residential complex may not begin until both of the following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, 2020.

SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Beginning in 2018, not later than March 1 of each year, the division of state court administration shall submit a report to the legislative council in an electronic format under IC 5-14-6 providing the following information relating to the enforcement of residential complex traffic ordinances on the property of residential complexes under contracts entered into under IC 9-21-18-4.1:

(1) The number of traffic stops.

(2) The number of citations issued.

(3) The number of traffic stops and citations issued.

(b) The report must set forth information required under subsection (a) by:

(1) each unit that has adopted a residential complex traffic ordinance:



- 1 (A) under IC 9-21-18-4.1; and  
2 (B) through issuance of electronic traffic tickets (as defined  
3 in IC 9-30-3-2.5); and  
4 (2) the totals for all units described in subdivision (1).  
5 (c) The division of state court administration must issue a report  
6 under this section for each of the following years:  
7 (1) 2017.  
8 (2) 2018.  
9 (3) 2019.  
10 (4) 2020.  
11 (d) This section expires July 1, 2021.  
12 SECTION 4. IC 34-30-2-28.5 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2016]: Sec. 28.5. (a) IC 9-21-18-4.1  
15 (Concerning residential complexes and enforcement contracts for  
16 enforcement of moving traffic ordinances).  
17 (b) This section expires December 31, 2020.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-21-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** A unit and the owner or lessee of a shopping center or private business property located within the unit may contract to empower the unit to regulate by ordinance the parking of vehicles and the traffic at the shopping center or private business property, subject to approval by the fiscal body of the unit by ordinance.

**(b) A unit may enforce parking and traffic ordinances on the property of a residential apartment complex if:**

**(1) the owner of the residential apartment complex enters into an enforcement agreement with the unit; and**

**(2) the fiscal body of the unit approves the enforcement agreement."**

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, line 11, delete "residential apartment".

Page 3, line 12, delete "complex,".

Page 3, line 12, after "center" delete ",,".

Page 3, delete lines 32 through 42.

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 216 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 1.

ES 216—LS 6705/DI 123



## SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new line blocked left and insert:

**"A unit may not charge the owner of a residential apartment complex a fee for enforcing an ordinance on the property of the residential apartment complex."**

(Reference is to SB 216 as printed January 29, 2016.)

HERSHMAN

## SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

**"SECTION 3. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.**

**(b) A unit may adopt and enforce parking and traffic ordinances on the property of a residential apartment complex if all of the following conditions are met:**

**(1) The owner of the residential apartment complex requests:**

**(A) at a public meeting of the legislative body; or**

**(B) by certified mail to the legislative body;**

**that the unit adopt and enforce parking and traffic ordinances on the property of the residential apartment complex.**

**(2) The legislative body adopts parking and traffic ordinances for the property of the residential apartment complex which do the following:**

**(A) Set forth in detail the parts of the residential apartment complex to which the ordinances apply.**

**(B) Require the owner of the residential apartment complex to install signs notifying residents of and visitors to the residential apartment complex of the relevant ordinances. Signs installed under this clause must be placed in a sufficient number of locations to clearly mark**





where the relevant ordinance applies. A sign placed at the entrance to the residential apartment complex does not satisfy this clause.

(C) Do not duplicate or conflict with state law.

(D) Are reasonably consistent with other traffic and parking ordinances adopted by the unit.

(3) The owner of the residential apartment complex enters into an enforcement contract with the unit.

(4) The legislative body of the unit approves the enforcement contract.

(c) A unit may not charge the owner of a residential apartment complex a fee for enforcing an ordinance on the property of a residential apartment complex."

Page 2, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to SB 216 as printed January 29, 2016.)

HERSHMAN

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#### SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) The institute shall adopt guidelines and a reporting form or a specified electronic format, or both, for the reporting of:**

**(1) a traffic stop;**

**(2) a citation issued; or**

**(3) both traffic stops and citations issued;**

**for the violation of an ordinance concerning traffic or parking committed on the property of a residential apartment complex under IC 9-21-18.**

**(b) The guidelines adopted under this section must require a law enforcement agency to report each traffic stop or citation issued, or each traffic stop and citation issued, to the institute on the form or in the specified electronic format adopted by the institute.**

**(c) The guidelines adopted under this section:**

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- (1) may require the institute to report the information concerning enforcement of ordinance violations on the property of a residential apartment complex to one (1) or more additional agencies or organizations;**
- (2) must require the institute to maintain reports filed under this section; and**
- (3) must require a law enforcement agency to report any other information that the institute determines to be relevant."**

Page 2, line 3, delete "and".

Page 2, line 5, delete "agreement." and insert **"agreement; and  
(3) a law enforcement agency that enforces an ordinance on the property of a residential apartment complex reports each:  
(A) traffic stop;  
(B) citation issued; or  
(C) traffic stop and citation issued;  
to the Indiana criminal justice agency in accordance with IC 5-2-6-26."**

Renumber all SECTIONS consecutively.

(Reference is to SB 216 as printed January 29, 2016.)

BREAUX

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#### SENATE MOTION

Madam President: I move that Engrossed Senate Bill 216, which is eligible for third reading, be returned to second reading for purposes of amendment.

HERSHMAN

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#### SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 7.

Page 3, line 5, after "enforcement" insert **"contract."**



Page 3, delete lines 6 through 13.  
 Page 3, delete lines 17 through 19.  
 Renumber all SECTIONS consecutively.

(Reference is to SB 216 as reprinted February 2, 2016.)

HERSHMAN

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 216 as reprinted February 3, 2016.)

PRICE

Committee Vote: Yeas 9, Nays 0

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 216 be amended to read as follows:

Page 1, line 4, after "or" insert ", **before January 1, 2021,**".

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"SECTION 2. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) As used in this section, "electronic traffic ticket" has the meaning set forth in IC 9-30-3-2.5.**

**(b) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.**

**(c) As used in this section, "moving traffic ordinance" refers to an ordinance regulating the operation of a motor vehicle only while the motor vehicle is in motion.**

**(d) As used in this section, "residential complex traffic ordinance" refers to an ordinance adopted under subsection (e).**

**(e) A unit may enforce a residential complex traffic ordinance on the property of a residential complex if all the following conditions are met:**

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- (1) The unit's legislative body adopts the ordinance under this section.**
- (2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.**
- (3) The owner of the residential complex enters into an enforcement contract with the unit.**
- (f) A residential complex traffic ordinance must satisfy the following:**
  - (1) The ordinance must be a moving traffic ordinance.**
  - (2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.**
  - (3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.**
  - (4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).**
  - (5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.**
- (g) A residential complex traffic ordinance may do the following:**
  - (1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.**
  - (2) Define the term "residential complex" for purposes of the ordinance.**
  - (3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.**
- (h) An enforcement contract must satisfy the following:**
  - (1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of locations to clearly mark where the relevant provisions of the**



ordinance applies. A sign placed at the entrance to the residential complex does not satisfy this subdivision.

(2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.

(3) Enforcement of the residential complex traffic ordinance in the residential complex may not begin until both of the following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, 2020.

SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Beginning in 2018, not later than March 1 of each year, the division of state court administration shall submit a report to the legislative council in an electronic format under IC 5-14-6 providing the following information relating to the enforcement of residential complex traffic ordinances on the property of residential complexes under contracts entered into under IC 9-21-18-4.1:

(1) The number of traffic stops.

(2) The number of citations issued.

(3) The number of traffic stops and citations issued.

(b) The report must set forth information required under subsection (a) by:

(1) each unit that has adopted a residential complex traffic ordinance:

(A) under IC 9-21-18-4.1; and



**(B) through issuance of electronic traffic tickets (as defined in IC 9-30-3-2.5); and**

**(2) the totals for all units described in subdivision (1).**

**(c) The division of state court administration must issue a report under this section for each of the following years:**

**(1) 2017.**

**(2) 2018.**

**(3) 2019.**

**(4) 2020.**

**(d) This section expires July 1, 2021.**

SECTION 4. IC 34-30-2-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 28.5. (a) IC 9-21-18-4.1 (Concerning residential complexes and enforcement contracts for enforcement of moving traffic ordinances).**

**(b) This section expires December 31, 2020."**

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 216 as printed February 12, 2016.)

PRICE

